UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,696	08/06/2001	Martin Gutfleisch	A-2899	1563

24131 7590 05/18/2009

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER	
NGUYEN, ANTHONY H	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
05/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/923,696	GUTFLEISCH ET AL.	
	Examiner	Art Unit	
	ANTHONY H. NGUYEN	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,5-13,15-17 and 20-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,5-13,15-17 and 20-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the Board's Decision, February 11, 2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

Claim Objections

Claim 13 is objected to because there is proper antecedence basis for "the influence of light" in line 2.

Claim Rejections - 35 USC § 112

Claims 13 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as original filed, does not provide support for the step of removing the printing form from the influence of light during the treatment with liquid clearing medium as now claimed in claim 13, and including a device for partitioning the printing form against effect of light with the step of applying liquid clearing medium to the printing form as now claimed in claim 25.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 15, 16, 17, 20 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nüssel et al. (US 5,317,970) .

With respect to claim 3, Nüssel et al. teaches a method and a device for clearing a re-imageable printing form with a liquid clearing medium (i.e., solvent) in a non-abrasive manner, irreversibly clearing all image information on the surface of a printing form (Nüssel et al., col.4 lines 50-52).

With respect to claim 15, the clearing necessarily must take place either in the printing machine or in a device outside the printing machine.

With respect to claims 16 and 26, Nüssel et al. discloses a method and

apparatus for irreversibly clearing all image information from a surface of a re-imagable printing form in a single step by exposing the surface to the combustion product of hydrogen and oxygen, or to a plasma formed from a mixture of oxygen and carbon tetrafluoride, both of which are gaseous fluids (col. 2, ll. 29-39, 60-65; col. 3, ll. 18-32; col. 3, l. 59 – col. 4, l. 26). As indicated by Nüssel's disclosure that the prior art cleaning mechanically or abrasively stressed the printing form (col. 1, l. 66 – col. 2, l. 1), whereas Nüssel's cleaning takes place "without damage to the printing form or its surface, or attack of the surface" (col. 2, ll. 15-16), the cleaning is nonabrasive. Regarding claim 26, Nüssel's disclosure that the invention relates to a rotary printing machine (col. 1, ll. 15-16) indicates that the disclosed image clearing apparatus is part of a printing machine.

Claim 17: Nüssel's disclosure that the apparatus can irreversibly clear all image information from a surface without the use of substantial quantities of acids or solvents (col. 2, ll. 29-39, 44-46) indicates that the apparatus can clear all image information from a surface without first removing the ink therefrom and that, therefore, the apparatus necessarily is capable of clearing all image information from a surface after the surface has been washed free of ink.

With respect to claim 20, Nüssel et al. teaches the use of an ultrasound for irradiating the printing form (Nüssel et al., col.4, lines 50-52).

Claims 3, 6, 9, 16, 17, 21 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Koguchi et al. (US 6,082,263).

With respect to claims 3, 16, 17 and 26, Koguchi et al. teaches a method and a device for clearing a re-imageable printing form with a liquid clearing medium in a non-abrasive manner, irreversibly clearing all image information on the surface of a printing form (Koguchi et al., col.4 lines 57-61).

With respect to claim 6, Koguchi et al. teaches the step of exposing the printing form to the effects of a heat source during treatment (col.4, lines 45-50).

With respect to claim 9, Fig.1 of Koguchi et al. shows the water supply 16 is provided as the liquid clearing medium.

With respect to claim 21, Fig.5 of Koguchi et al. teaches the use of a heat source 5A, 6A for heating the printing form (col.10, lines 15-24 and col.26, line 49-64).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 15, 20 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. (US 6,082,263) in view of Gydesen (US 5,644,986).

With respect to claims 5 and 20, Koguchi et al. teaches a method for clearing a re-imageable printing form with a liquid clearing medium in a non-abrasive manner. Koguchi et al. does not teach the use of ultrasound during treatment of the printing form with liquid clearing

medium. Gydesen teaches the use of ultrasound with cleaning medium (Gydesen, claim 4). In view of the teaching of Gydesen, it would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. providing the use of ultrasound with liquid clearing medium during the treatment of the printing form as taught by Gydesen for optimum cleaning a forming cylinder. With respect to claims 15 and 25, Koguchi et al. teaches the step of treating the printing form which is performed in a printing machine. Also, note that the use of a clearing device outside a printing machine for clearing a printing form is conventional.

Claim 13 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. in view of Shin et al. (US 6,148,728).

Koguchi et al. teaches the method as recited except for the step of removing the printing form from the influence of light during the treatment with the liquid clearing medium. Shin et al. teaches a method for cleaning a printing plate which includes the step of removing the printing plate from the influence of light during treatment of the printing plate as shown in Fig.1, step 4. (also, see Shin et al. col.6 line 21-27). It would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. by providing the step of removing the printing from the influence of light as taught by Shin et al. for ensuring optimal plate or printing form quality.

Claims 7, 8, 10-12 and 22-24 are rejected under 35 U.S.C. § 103 (a) as being Koguchi et al. (US 6,082,263).

With respect to claims 7, 8, 22 and 23, Koguchi et al. teaches all that is claimed, except for the hot-air blower, the step of exposing the printing form to higher atmospheric pressure and oxygen gas during treatment which are not clearly shown. However, the use of a hot-air blower and the step of exposing the printing form to higher atmospheric pressure during treatment is well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method and structure of Koguchi et al. by providing a hot-air blower and the step of exposing

the printing form to higher atmospheric pressure or oxygen gas during treatment for optimum clearing effects.

With respect to claims 10, 11 and 24, the selection of a desired fluid clearing medium such as acid or an alkali or a base and a sprayer would be obvious through routine experimentation depending upon the material of the printing form in order to get best possible cleaning the printing form.

Response to Arguments

Applicants' arguments filed on April 13, 2009 have been fully considered but they are not persuasive.

Applicant argues that Nüssel et al. only disclose gas as the clearing medium.

However, as explained above, Nüssel et al. clearly teaches the step of treating the printing form with liquid (col.4, lines 50-52).

Also, Koguchi et al. teaches a step of clearing all image information on a surface of a printing form since after printing the printing form is reused (i.e., cleaning and the entire surface is rendered hydrophilic (col.12, line 44-col.13, line 40).

Conclusion

The patents to Hotta et al., Vermeersch and Sago are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen, can be reached on (571) 272-2258.

The fax phone number for this Group is (571) 273-8300.

/Anthony H Nguyen/
Primary Examiner, Art Unit 2854